



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/675,074	09/28/00	TANIGUCHI T	9792909-4642

WM21/0607
DAVID R. METZGER
SONNESCHEIN, NATH & ROSENTHAL
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER.
CHICAGO IL 60606-1080

EXAMINER	
HINDI, N	
ART UNIT	PAPER NUMBER
2651	6

DATE MAILED: 06/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/675,074

Applicant(s)
Taniguchi et al

Examiner
NABIL HINDI

Art Unit
2651



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 24, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-93 is/are pending in the application.
- 4a) Of the above, claim(s) 46-60 and 64-93 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-45 and 61-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 08/863,434.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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In response to applicant's amendment dated May 24, 2001. The following action is taken:

Applicant's election of claims 43-45 and 61-63 is acknowledged by the examiner. Claims 46-60, and 64-93 are withdrawn from further consideration.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Claims 61-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayashi et al (5703856).

Applicant's attention is drawn in particular to fig 7. The reference discloses the use of an optical disk recording and reproducing apparatus having a first light source with a first read/write specification 181a, a second light source with a second read/write specification 181b, a selection means to select either one of the first and second laser sources figs 1A-2B, photo detection means 193a, 193b, and an optical element for partially reflecting the first or second light beams 186 toward an optical disk

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al (5703856) in view of Hibino et al (5598394) .


Applicant's attention is drawn in particular to fig 7. The reference discloses the use of an optical disk recording and reproducing apparatus having a first light source with a first read/write specification 181a, a second light source with a second read/write specification 181b, a selection means to select either one of the first and second laser sources figs 1A-2B, photo detection means 193a, 193b, and an optical element for partially reflecting the first or second light beams 186 toward an optical disk. However the reference does not disclose a base body supporting the light source, photo detection means and the optical element. The secondary reference discloses the use of a base body supporting the light source, photo detection means and the reflecting element for the purpose of integrating the optical head elements into a single body thus smaller more compact head is obtained as shown in fig 2. Thus it would have been obvious to one skilled in the art at the time the invention was made to use the teaching of the secondary reference and modify the system of the primary reference. Such modification of placing the optical elements on a base body is merely an integration of elements in order to reduce the size of the optical head. Thus it would have been obvious to one skilled in the art to use the teaching of the secondary reference for the purpose of smaller more compact optical head.

With respect to the limitations of the dependent claims see fig 7 elements 181a and 181b.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 5901132; 5703863; 5715227; 5682373; and 5684781

Any inquiry concerning this communication should be directed to NABIL.HINDI at telephone number (703) 308.1555



NABIL HINDI
PRIMARY EXAMINER
GROUP 2600
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